



To	Acquiring Authorities
Subject	Guidance for Acquiring Authorities: Can I use Compulsory Purchase?
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The Scottish Government considers powers to purchase land compulsorily to be an important tool for local authorities and other public bodies (collectively referred to as Acquiring Authorities) to use to acquire land needed to enable projects that are in the public interest to proceed, where this would otherwise not be possible.

In particular Ministers consider compulsory purchase powers to be important for helping to deliver housing, development and regeneration that create high quality places where people want to live, work and invest. Such projects will deliver social, economic and environmental improvement for the public benefit and, used properly, these powers can aid effective and efficient regeneration, the revitalisation of communities, and the promotion of inclusive economic growth.

Authorities are therefore encouraged to consider using their powers pro-actively when necessary and appropriate to ensure real gains are brought to communities without delay.

The Scottish Government vision for compulsory purchase is for:

“A clear, accessible, consistent, effective and efficient system of legislation and policy which allows for the compulsory acquisition and purchase of legal interests in land and property for the public benefit. The provisions relating to any compensation should be fair and transparent and allow for timeous settlement.”

This series of guidance notes are primarily aimed at Acquiring Authorities and are intended to provide information for those with no, or limited, experience of compulsory purchase. They comprise **both** good practice advice and guidance on the legal and procedural requirements that must be met at each stage of the Compulsory Purchase Order (CPO) process.

These notes draw from and are intended to complement Planning Circular 6/2011 (<https://beta.gov.scot/publications/scottish-planning-series-planning-circular-6-2011-compulsory-purchase-orders/>) which provides more detailed, technical advice on some aspects of the CPO process and which authorities may wish to continue to refer to.

These notes are intended to be read sequentially as follows:

- CPOGNAA/001 Can I use Compulsory Purchase?
- CPOGNAA/002 What should I do before developing a Compulsory Purchase Order?
- CPOGNAA/003 How do I prepare and submit a Compulsory Purchase Order?
- CPOGNAA/004 How do Scottish Ministers consider a Compulsory Purchase Order?
- CPOGNAA/005 Confirmed Orders – Next Steps

This first note in the series is intended to help Acquiring Authorities who are considering land purchase understand whether or not they can use compulsory purchase powers and, if so, the key steps in the process and the questions that they will need to address in order to progress an order.

Whilst the general advice, guidance and principles contained in these notes are applicable to all bodies with compulsory purchase powers, it should be noted that Compulsory Purchase Orders promoted by Scottish Ministers or their Agencies are processed under distinct procedures which, while broadly similar, may differ in some regards. Furthermore, certain bodies can be empowered to purchase land compulsorily through special Acts of Parliament, or via other processes (e.g. through Transport and Works Act Orders).

Where necessary this guidance therefore identifies instances where aspects of the process vary, but it does not seek to be comprehensive. Separate guidance is available for these specialist processes – for example for compulsory purchase related to Trunk Road projects promoted by Transport Scotland (www.transport.gov.scot/publication/road-projects-guidance-on-compulsory-purchase-process-and-compensation/).

This guidance is not intended to be either prescriptive or definitive. It is also not intended to replace specialist legal advice.

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1. Acquiring Authorities

1.1. Acquiring Authorities for the purpose of this guidance are defined as those bodies specifically empowered by an act of Parliament to purchase land compulsorily for purposes related to their function. This includes:

- Local Authorities and other public service providers (e.g. NHS Boards);
- Utility Companies (such as Energy Transmission Companies and Scottish Water);
- Scottish Government Executive Agencies, (such as Transport Scotland), and Non Departmental Public Bodies (such as Scottish Canals).

1.2. Network Rail can also be empowered to purchase land compulsorily through a separate process under the Transport and Work (Scotland) Act 2007, or can work in partnership with another Acquiring Authority to acquire land needed for infrastructure projects.

1.3. Telecommunications and Defence are reserved matters for the UK Government. Telephone/Broadband companies and UK Government Departments (such as the Ministry of Defence) will therefore follow the compulsory purchase procedures set out in UK legislation. The English/Welsh system is broadly similar, although some aspects of the process and how compensation is assessed do vary.

1.4. UK government guidance on compulsory purchase can be found at:

www.gov.uk/government/collections/compulsory-purchase-system-guidance

2. Human Rights and Compulsory Purchase

2.1. Protocol 1, Article 1 of the European Convention on Human Rights (ECHR) provides for the right to the peaceful enjoyment of one's possessions. Depriving an individual or business of their rights is a serious step that an Acquiring Authority should consider carefully.

2.2. However, it has been established that compulsory purchase will not breach these Human Rights where it:

- Is authorised by law;
- Is proportionate;
- Can be demonstrated to be in the public interest; and
- Landowners and others with an interest in the land are appropriately compensated.

2.3. Acquiring authorities should therefore be able to explain why they consider that:

- a. The purposes for which land is to be acquired are sufficiently important to justify the deprivation of property or interference with possession which the compulsory purchase of land entails;
- b. The land in question is needed for the proper delivery of those purposes;
- c. A less intrusive measure could not have been used for those purposes; and
- d. A fair balance has been struck between the rights of the individuals affected and the interests of the community.

3. General Considerations

- 3.1. There are a wide range of purposes for which it may be possible for the Acquiring Authority to put forward a sufficiently strong case to justify compulsory purchase. Projects may range in size from a major scheme to regenerate a large area or a city, to a small scheme to bring a single derelict property or empty home back into use.
- 3.2. In some cases the scheme might benefit the immediate locality, whereas in others the scheme may benefit the wider area.
- 3.3. In some cases the public benefit in a scheme may be economic – for example it may create jobs, encourage investment or promote sustainable economic growth. In other cases the public benefit might be environmental or social, such as providing a public service, improving the amenity of an area, providing infrastructure to facilitate regeneration or delivering a network of paths to enable access.
- 3.4. Compulsory purchase should be used in instances where it is either impossible or impractical to buy the land or buildings by agreement and where the public interest in doing so out-weighs the rights of those people affected. **It should be recognised that, in some circumstances, there may be no realistic alternative to compulsory purchase.**
- 3.5. It is for an Acquiring Authority to ultimately satisfy itself that it has the necessary powers to promote a CPO. However, the Acquiring Authority will need to be able to satisfy Scottish Ministers that there is a clear public interest case, supported by strong evidence and the necessary funds to compensate owners for the purchase of the land and to finance any subsequent development for them to confirm an Order.
- 3.6. In some instances Acquiring Authorities may not intend the project to be independently financially viable, or may be unable to finalise details until it has assembled the land. In such cases it will need to demonstrate satisfactorily that there is a reasonable prospect that it can meet any potential shortfalls (for example, through third party contributions or any underwriting of the project). Acquiring Authorities considering using compulsory purchase will need to ensure that they have considered all the potential costs associated with any proposed Order, including the market value of the property, reasonable professional fees for those affected, and any relevant claims for compensation¹.
- 3.7. Acquiring Authorities **should not** use their CPO powers speculatively as there is a need to demonstrate there is a reasonable prospect of being able to meet any potential shortfalls in funding.
- 3.8. Where funding is not fully committed prior to the CPO being made, the minimum the Acquiring Authority should be able to show is that it will be able to make funding available to meet the likely compensation claims.
- 3.9. An Acquiring Authority has three years from the date on which it publishes notice of the confirmation of a CPO in which to implement the Order (i.e. take title to the land). Thereafter, there is no specified time limit within which the land must be developed. However, in the interest of fairness and to reduce uncertainty, Scottish Ministers expect land which is compulsorily acquired to be developed as soon as practicable thereafter.

¹ This may include compensation for blight or severance of property, the impact on the remaining land, and home or farm loss payments. See CPOGNA/005 for more details.

3.10. Where an Acquiring Authority does not implement the Compulsory Purchase Order within that 3 year period, the Compulsory Purchase Order will fall and will no longer authorise the compulsory acquisition of land. If an Acquiring Authority still wishes to proceed with the underlying project it will need to start the CPO process again.

3.11. Where land has been purchased compulsorily and the public work completed but some or all of the land is considered surplus to requirements and is available for disposal the Acquiring Authority is expected, in the first instance, to offer the land for sale back to the original owner(s) from whom it was acquired, or their successors in title in accordance with the, so called, Crichton Down Rules (see CPOGNA/003 for further details).

3.12. A relatively straight forward CPO, which requires a Public Local Inquiry or Hearing, will likely take between 12 and 18 months to be determined, following submission to Ministers. More complex cases, with higher numbers of objectors can take longer. Where cases face no objections these may be processed in less than 6 months. Schedule 1 provides a process chart which illustrates steps and timescales. The CPO register on the Scottish Government website can provide a useful reference point for timescales of recent CPOs which may help an Acquiring Authority plan (see <https://beta.gov.scot/publications/compulsory-purchase-order-register/>).

3.13. Acquiring Authorities **thinking** about compulsory purchase, should ask themselves the following questions:

- Why do we need to compulsorily purchase the land and what are the benefits? What evidence exists to support our case for the purchase?
- What other options have been considered, and why are these not suitable?
- What would happen (likely impact) if we did not compulsorily purchase the land?
- What are the benefits of avoiding compulsory purchase, and how do these weigh up against the need for compulsory purchase? Are costs likely to increase if we delay compulsory purchase?
- Is the necessary finance available to fully compensate landowners (including not just the land acquisition cost, but compensation for severance, injurious affection, disturbance and reasonable professional fees where applicable)?
- Do we have sufficient powers to compulsorily purchase all of the land or interests in the land needed to enable the project to proceed?
- Is our proposed project included in a relevant plan or strategy, such as a Local Development Plan, housing plan, or community plan? If not why not?
- Has there been engagement with land owners to find alternative resolution? If not why not?

If any of these points cannot be answered to the Acquiring Authority's satisfaction, then it is likely that it is not yet in a position to commence the CPO process.

3.14. The subsequent sections in this guidance note aim to assist Acquiring Authorities consider some of these points further.

4. Compulsory Purchase Powers

- 4.1. An Acquiring Authority can only make use of its compulsory purchase powers where this has been specifically sanctioned in enabling legislation to deliver a particular purpose. Table 1 provides a list of compulsory purchase powers commonly used by Acquiring Authorities. Compulsory purchase can also be empowered for specific projects by special Acts of Parliament. Each Act specifies the purpose for which land can be acquired under that particular legislation and the Acquiring Authorities to which it applies. Recent examples of these are 'The Edinburgh Tram (Line One) Act 2006' and the 'Waverley Railway (Scotland) Act 2006'.
- 4.2. Authorities will therefore need to satisfy themselves that they have the necessary powers to pursue the compulsory purchase of land. Schedule 2 of this guidance provides a more comprehensive, although not exhaustive, list of CPO powers available to Acquiring Authorities.

Table 1: Compulsory purchase powers commonly used by Acquiring Authorities

Purpose	Acquiring Authorities	CPO Legislation ²
Planning & Area Regeneration	Planning authorities	<ul style="list-style-type: none"> Town & Country Planning (Scotland) Act 1997
Listed Buildings	Local Authorities	<ul style="list-style-type: none"> Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997
Housing	Local Authorities	<ul style="list-style-type: none"> The Housing (Scotland) Act 1987 Town & Country Planning (Scotland) Act 1997
Education	Local Authorities	<ul style="list-style-type: none"> Education (Scotland) Act 1980
Transport	Transport Scotland	<ul style="list-style-type: none"> Transport Act 1962 Roads (Scotland) Act 1984
	Local Authorities	<ul style="list-style-type: none"> Roads (Scotland) Act 1984 Town & Country Planning (Scotland) Act 1997
Energy	Holders of licence to transmit electricity, and in so far as the licence provides, to distribute and generate electricity	<ul style="list-style-type: none"> Electricity Act 1989
Access and Amenity	Local Authorities	<ul style="list-style-type: none"> Land Reform (Scotland) Act 2003
Water and Sewerage	Scottish Water	<ul style="list-style-type: none"> Water Industry (Scotland) Act 2002

² In most instances the procedures to which all authorities must follow to acquire land under is set out in the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

- 4.3. In some instances an Acquiring Authority may have a choice of CPO powers available to them. For example, the purchase of land for certain housing developments may be possible under planning or housing CPO powers. Conversely, a regeneration project may typically be promoted under planning powers, but may be taken under housing powers depending on the project particulars.
- 4.4. Acquiring Authorities should therefore use the most relevant power available for the purpose for which it intends to acquire the land. It must be able to justify the choice of power used and why this does not give rise to any prejudice (for example, circumventing more stringent procedural requirements required under another power). This information should form part of the 'Statement of Reasons' (see CPOGN/004). Where in doubt, the CPO policy team or one of the CPO Lead Officers may be able to advise on how to determine which power may be more appropriate. See section entitled 'Further Advice' for advice on how to contact Lead Officers.
- 4.5. Scottish Ministers are unlikely to refuse to confirm an order solely on the grounds that the Acquiring Authority could have made the order under another power but it will strengthen the case for the purchase where a clear justification for the power used can be made.

Where no specific power exists

- 4.6. For some purposes there may be no specific power available or the Acquiring Authority might seek to acquire the land for more than one purpose. In this situation a general power such as Section 71 of the Local Government (Scotland) Act 1973 may be utilised. Acquiring Authorities should seek legal advice before promoting a CPO using such general powers.
- 4.7. As noted above, a general power should not be used where a more specific and appropriate power is available and authorities should not use more than one power for the same project/purpose. Illustrations of how CPO powers have been used in practice are available <https://beta.gov.scot/publications/compulsory-purchase-order-case-studies/>

Acquiring Rights in Land Less than Ownership

- 4.8. Some enabling Acts provide powers for the Acquiring Authority to create rights short of ownership over that land (for example, a right of access). However, many enabling Acts do not and authorities seeking to acquire rights short of ownership must therefore identify specific powers that authorise it to purchase the rights that it seeks. Where such powers do not exist the Acquiring Authority will need to purchase the land outright if it wishes to proceed with the CPO. Further details are set out in CPOGNAA/003.

5. Compulsory Purchase where the Acquiring Authority will not develop the land itself

- 5.1. Acquiring Authorities can, in some circumstances, undertake the compulsory purchase of the land needed for the project but then rely on a third party (including the private sector) to undertake the development of the land and/or deliver the underlying project. Where this is the case **the responsibility for obtaining confirmation of and implementing the CPO and then ensuring the project is delivered appropriately, remains with the Acquiring Authority.**

Back to Back Agreements

- 5.2. So called 'back to back' agreements are where an Acquiring Authority transfers land acquired compulsorily to a third party for them to take forward the development.
- 5.3. A back to back agreement can be initiated either by the third party or by the Acquiring Authority. Acquiring Authorities are encouraged to seek such agreements where there is a clear public interest in doing so and it will enable projects to proceed that otherwise would not.
- 5.4. Certain enabling Acts permit an Acquiring Authority to dispose of the land to a third party after acquisition through a back to back agreement. Acquiring Authorities will therefore wish to check whether this is permitted under the powers being used. Where permitted, this may involve:
- A third party approaching an Acquiring Authority to assist them in assembling land for a project they consider to be in the public interest; or
 - The Acquiring Authority disposing of the land to a community group or other third party to carry out the Acquiring Authority's purpose.
- 5.5. When considering the disposal of land to a third party an Acquiring Authority should at a minimum satisfy itself that:
- No better solution exists;
 - The developer has been unable to acquire the land through any other means;
 - The developer can demonstrate it has actively engaged with the affected community. This should include land owners and all those directly or indirectly likely to be impacted by any proposed development;
 - The developer can demonstrate a clear link to and/or compliance with a relevant plan or strategy;
 - The developer can demonstrate the clear public interest in the development proceeding; and
 - No procurement or State Aid issues arise, and if they do, that these can be complied with.
- 5.6. As noted in paragraph 5.1, in the event that land is transferred to a third party, the Acquiring Authority will fully remain responsible for implementation of the CPO, taking ownership of the land and ensuring that the project is delivered appropriately.

6. Valuation and Compensation

- 6.1. To comply with the ECHR an Acquiring Authority must adequately compensate landowners affected by compulsory purchase. However, it is worth reiterating that, whilst an Acquiring Authority must, generally speaking, have a fair estimate of the compensation that is likely to be payable at the time the Order is made, the consideration of compensation is an entirely separate matter from the determination of whether the Order is justified and, hence, whether or not it is confirmed by Scottish Ministers.
- 6.2. Compensation disputes are subject to separate procedures. Consequently, an Acquiring Authority may have an Order confirmed, and take possession of the land in question, before a resolution to the amount of compensation due has actually been reached.

- 6.3. Compensation for the compulsory purchase of land is normally based on its market value³ at the relevant valuation date (discounting any reduction or increase in value because of the compulsory purchase and the scheme underlying it), unless equivalent reinstatement under Rule 5 of Section 12 of the Land Compensation (Scotland) Act 1963 applies.
- 6.4. Valuation for CPO purposes can be a complex matter and the Acquiring Authority should therefore consider whether it has sufficient in-house expertise in terms of valuation of land and calculation of compensation, or if it will need to engage external specialists. In determining the market value account is taken of any existing planning permissions and the prospect of permissions that the planning authority might have granted in the absence of the scheme underlying the compulsory purchase, and other appropriate assumptions detailed in sections 22-24 of the 1963 Act Land Compensation (Scotland) Act 1963.
- 6.5. Acquiring Authorities will also need to consider and assess the likelihood of claims for severance; disturbance or injurious affection from parties directly impacted by the compulsory purchase, and ensure compensation is paid accordingly. Disturbance claims (especially if commercial or agricultural property is acquired) can be a significant component of compensation claims. In some circumstances Home Loss and (rarely) Farm Loss payments may also be necessary.
- 6.6. Conversely, Authorities should also consider the “betterment” provisions whereby any uplift in the open market value of the retained land can be set-off against any compensation due, if it can be proven that the uplift occurs as a direct consequence of the public work.
- 6.7. Acquiring Authorities will also need to meet reasonable professional costs (surveyor and/or legal expenses) incurred by landowners as part of the compensation settlement.
- 6.8. Acquiring Authorities should provide landowners with an indication of **when** compensation is expected to be paid, subject to all necessary paperwork for their claim being received. **The value of compensation payable is not expected to be set out at this time although authorities should provide an indication of their assessment of the market value of the land in question as early in the process as they can.**

Compensation related to Listed Building CPOs

- 6.9. Special provisions under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 allows an Acquiring Authority, in certain circumstances to pay minimum compensation (excluding development value) if they propose to acquire a listed building and are satisfied that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development or redevelopment of the site or an adjoining site. Further advice is available in Guidance Note CPOGNAA/005.

³ As defined under Part III of the Land Compensation (Scotland) Act 1963

Certificate of Appropriate Alternative Development (CAAD)

- 6.10. In some cases existing planning permissions and assumptions may not be enough to indicate fully the development value that would have existed were it not for the scheme underlying the compulsory purchase. In these cases a CAAD can provide a way of indicating the kind of development (if any) for which planning permission was likely to be granted and which, consequently, should be taken into account in the valuation⁴.
- 6.11. CAADs may be useful in any CPO but particularly in the following circumstances:
- where the development plan covering the land to be acquired is out of date;
 - where there is no specific development plan allocation for the land. For example where the development plan shows the land as “open space”; or
 - where the development plan allocates the land specifically for some public purpose, such as a new school.
- 6.12. A CAAD is not a planning permission but, instead, is a tool that can be used to help identify the market value of land in relation to a claim for compensation.
- 6.13. CPOGNAA/005 provides more detail on estimating market value and other compensation matters.

7. Further Advice & Support

- 7.1. Acquiring Authorities considering the compulsory purchase of land should seek their own legal advice at the **earliest possible opportunity**.
- 7.2. General advice on CPO policy or CPO powers can be obtained from the CPO Policy Unit. However, specific queries about CPO Powers or the process of confirming CPOs should be addressed to the CPO Lead Officer for the relevant policy area. Full contact details for the CPO Unit and CPO Lead Officer network can be found at:
<https://beta.gov.scot/publications/compulsory-purchase-orders-contact-information/>
- 7.3. In addition, Scottish Ministers strongly encourage Acquiring Authorities to utilise the free technical check that is available from the Scottish Government for any draft Order. It is a useful process for Acquiring Authorities once a draft CPO and the associated documentation have been prepared, prior to the formal making of the Order and the placing of statutory notices and advertisements. See CPOGNAA/003 for more information on technical checks.

⁴ Part IV of the 1963 Act

Schedule 1: Simplified Compulsory Purchase Order Process

CPO Period	CPO Stage/Action	Timescale (if specified)
CPO Preparation Period	Acquiring Authority prepares project proposal and identifies land required	
	AA engages and negotiates with landowners about purchase	
	AA resolves to use powers and prepares draft CPO	
	AA submits draft CPO to Scottish Government for Technical Check (recommended)	
	Scottish Government provides feedback on draft CPO	1 month
	AA finalises the Order, advertises it and serves notices on affected parties	Adverts must be placed in local paper for 2 successive weeks
	AA submits Order and accompanying paperwork to Scottish Government	
CPO Objection and Hearing Period	Scottish Government receives objections to the Order	21 days minimum from date notices are advertised
	If no objections are received Scottish Government move to determination of the Order	
	If objections received Scottish Government sends them to Acquiring Authority and invites response	
	Scottish Government passes Acquiring Authority response to objector and asks whether they wish to maintain their objection	
	If any objection is maintained Scottish Government passes case to DPEA for consideration	
	DPEA hears evidence for the case via Public Local Inquiry, Hearing or Written Submissions	
	DPEA submits report and recommendations to Scottish Government	
CPO Determination Period	Scottish Government considers Order and decides whether to: - confirm order - confirm order with modifications - not confirm order And then advises the AA of this decision.	
	AA advertises decision and notifies landowners	Adverts must be placed in local paper for 2 successive weeks
	Period of legal challenge to Order	6 weeks
CPO Implementation Period	If no legal challenge AA is empowered to implement order and to take title to the land	
	AA takes title to land and possession via GVD or Notice to Treat	Up to 3 years from date confirmed order advertised
	AA offers compensation to landowners	
	If compensation agreed AA pays landowners	
	If compensation not agreed case may be referred to the Lands Tribunal Scotland	Up to 6 years

Schedule 2: Commonly used Compulsory Purchase Powers

Enabling Power	Section of Act	Acquiring Authority	Description of Power
Building (Scotland) Act 2003	s.45	Local Authority	The purchase of a building and its site on which the local authority has carried out work under s.29(2) or (3) or 30(4)(b) and the expense incurred in doing so cannot be recovered from the owner of the building because the owner cannot be found.
Education (Scotland) Act 1980	s.20	Education Authority	In order to enable them to execute any of their functions
Electricity Act 1989	s.10 and Sch.3	Holders of licence to transmit electricity, and in so far as the licence provides, to distribute and generate electricity	For any purpose connected with the carrying on of the activities which the licence holder is authorised by the licence to carry on
Flood Risk Management (Scotland) Act 2009	s.66	Local Authority	Land which it requires for the purpose of carrying out flood prevention scheme operations
Housing (Scotland) Act 1987	ss.9 and 10	Local Authority	For, or in connection with, provision of housing accommodation
	s.124	Local Authority	Purchase of site of a building which has been demolished by the authority under s.123 and the expenses incurred cannot be recovered because the owner cannot be found
Housing Associations Act 1985	s.88	Local Authority	For purpose of selling/leasing it to a registered housing association or unregistered self-build society; or providing dwellings for letting or for sale or hostels

Housing (Scotland) Act 2006	s.40	Local Authority	Acquisition of a house and its site for the purposes of carrying out work or demolition following a failure of the owner of the house to comply with a works notice or demolition notice served under the Act
	s.95	Local Authority	To improve the amenity of a predominantly residential area
Land Reform (Scotland) Act 2003	s.16	Local Authority	For the purpose of enabling or facilitating the exercise of access rights in respect of land to which the section applies
Local Government (Scotland) Act 1973	s.71	Local Authority	For the purposes of any of its functions
National Parks (Scotland) Act 2000	s.9 and Sch.2	National Park Authority	Any land within the National Park for the purpose of its functions
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997	s.42	Local Authority	For preservation of a listed building
Police (Scotland) Act 1967	s.10	Police Authority	For the purposes of its functions
Road Traffic Regulation Act 1984	s.40	Local Authority	For purposes of providing parking places under ss.32, 33(4)(a) and 34 of the Act
Roads (Scotland) Act 1984	ss.103, 104, 104(1)	Roads Authority	For purposes in connection with the construction, improvement or protection of a public road or for the purpose of providing or improving a road which is to be provided or improved in pursuance with an order under the Town and Country Planning (Scotland) Act 1997 or of providing a public right of way which is to be provided as an alternative to a right of way extinguished under the Act or for any other purpose for which land is required in connection with such an order

Roads (Scotland) Act 1984 (cont)	s.104(2)	Roads Authority	Land which is required in connection with the carrying out of any works authorised by an order relating to a trunk road under s.12 or the provision of buildings or facilities for the purposes of constructing, improving, maintaining or servicing a trunk road other than a special road.
	s.104(3)	Special Road Authority	Land which is required in connection with the improvement of a road which is included in the route of a special road but has not been transferred to the authority by means of an order under s.9 of the Act, for the purpose of any order made in relation to a special road under the said s.9 or in connection with the provision of service stations or other buildings or facilities to be used in connection with the special road
	s.105	Roads Authority	Land required in connection with the carrying out of works authorised under s12, 69 or 70 or required for the provision of any buildings or facilities needed for the purpose of constructing, improving or maintaining or servicing a public road
	s.106	Roads Authority	For the purposes of mitigating any adverse effect which the existence or use of a road constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the road
	s.107	Roads Authority	For the propose of providing, altering or improving a cattle grid (or a bypass in relation to a cattle grid)
	s.108	Roads Authority	Land required in connection with the provision of a picnic site
Transport and Works (Scotland) Act 2007	s.1	Network Rail, Regional Transport Partnerships, Local Authorities, British Waterways, Private Transport Operators	For the purpose of the construction or operation of railways, tramways, other guided transport systems, trolley vehicle systems and inland waterways
Town and Country Planning (Scotland) Act 1997	s.189	Planning Authority	Land which is (1) suitable for and is required in order to secure the carrying out of development, redevelopment or improvement (2) required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated
Transport Act 1962	s.15A	British Waterways Board	For the purposes of its business

Water Industry (Scotland) Act 2002	s.47	Scottish Water	For the purposes of its core functions
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Notes

- i) Authorities should check the precise wording of the enabling Act, rather than relying on the description of the power contained here
- ii) Authorities should ensure that the legislation remains in force and check whether it has been amended

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